

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0117
Harlan Rezoning

P.C. DATE: November 13, 2012

ADDRESS: 4200 Manchaca Road

AREA: 0.3964 Acres (17,267 sq. ft.)

OWNER/APPLICANT: Estate of Orlena H. Harlan
(Don Wilson Herron and Jon Taylor Herron)

APPLICANT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: SF-3; Family Residence

ZONING TO: LO-MU; Limited Office – Mixed Use

NEIGHBORHOOD PLAN AREA: Galindo
(South Lamar Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

To grant Limited Office – Mixed Use (LO-MU) zoning district.

PLANNING COMMISSION RECOMMENDATION:

November 13, 2012 To grant Limited Office – Mixed Use (LO-MU) zoning district.
[Approved on Consent [Motion by Commissioner Stevens;
Seconded by Commissioner Hatfield; Passed 8-0] *

* There was a question as to whether the Galindo Elementary Neighborhood Association should have been notified. The applicant informed the Commission they had been contact, but since the property was outside their boundary, had no position and deferred to the Commission's judgment. (See Exhibit C).

DEPARTMENT COMMENTS:

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in deriving the staff recommendation.

The subject tract is located approximately 400 feet north of the Manchaca Road and Ben White intersection. It is abutting single-family residential on two sides, yet it lies on a corridor with office zoned tracts to the north and commercially zoned tracts to south. It is one of 12 remaining SF-3 zoned properties on Manchaca Road between Lamar Boulevard and Ben White (please refer to Exhibits A to A-2).

Commercial properties to the south include a florist, tire shop, and iconic local hamburger establishment; a convenience store and fast-food restaurants complete the intersection on the east side of Manchaca. Office-zoned properties to the north are a mix of houses converted to offices, what appear to be single-family residences, townhomes, and living facilities operated by Austin/Travis County MHMR. As noted in the Case Histories, most of the office and commercial zoning along this roadway has been in place for decades. This request for rezoning is not driven by a specific end user or proposed use, but rather a

proactive request. Staff has received one letter in opposition to the request and one in support (see Exhibits B-1 & B-2).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Unoccupied single-family house
<i>North (west of Manchaca)</i>	SF-3; LO; LO-CO	Single-family residence; Office and Single-family uses
<i>South (west of Manchaca)</i>	LR-MU-CO; CS-1; CS	Florist; Tire Repair & Sales; Restaurant
<i>West</i>	SF-3	Single-family and Duplex residential
<i>East</i>	LO; SF-3; CS	Townhomes; Offices; Single-family; Convenience Store; Fast Food Restaurants

AREA STUDY: No

WATERSHED: West Bouldin Creek

CAPITOL VIEW CORRIDOR: No

NEIGHBORHOOD ORGANIZATIONS:

TIA: Not Required

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

<i>South Central Coalition</i>	498
<i>Austin Neighborhoods Council</i>	511
<i>Austin Independent School District</i>	742
<i>Home Builders Association of Greater Austin</i>	786
<i>South Lamar Neighborhood Association</i>	926
<i>Save Our Springs Alliance</i>	943
<i>Homeless Neighborhood Organization</i>	1037
<i>League of Bicycling Voters</i>	1075
<i>Perry Grid 614</i>	1117
<i>Super Duper Neighborhood Objectors and Appealers Organization</i>	1200
<i>Austin Monorail Project</i>	1224
<i>Sierra Club, Austin Regional Group</i>	1228
<i>The Real Estate Council of Austin, Inc.</i>	1236
<i>Austin Heritage Tree Foundation</i>	1340
<i>SEL Texas</i>	1363

SCHOOLS:

Austin Independent School District

Joslin Elementary School

Covington Middle School

Crockett High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic Count
Manchaca Road	83 Feet	43 Feet	Major Arterial	17,575*

*ADT Count taken on 10/05/2004

ABUTTING TRANSIT:

Sidewalks	Capital Metro Bus Service	Existing Bicycle Facility	Recommended Bicycle Facility (2009 Plan)
Yes (Both Sides)	Yes (Multiple Routes)	Shared Lane	Bike Lane

CASE HISTORIES:

This portion of Manchaca Road is a mixture of retail, commercial, and residential. Yet, with the exception of three family residential tracts to limited office and mixed use in 2007 and 2008, the majority of the area has not been rezoned since the Seventies and Eighties. While the existing commercial along Ben White Boulevard and Manchaca has been there for decades, a quick review of the case histories below does indicate that most rezonings in the past thirty-plus years are from residential to office.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
North/West of Manchaca Road (north to south)			
4020,4022,4100 Manchaca C14-84-160	SF-3 to LO	Approved	Approved 05/23/1985 w/ Street Deed
4016 Manchaca C14-98-0059	SF-3 to LO	Approved LO-CO; 06/09/1998	Approved LO-CO; 08/27/1998
4000 Manchaca C14-86-012	SF-3 to NO	Approved LO-CO w/Conditions; 03/04/1986	Approved LO-CO w/RC; 07/17/1986
2007 Bert C14-03-0070	SF-3 to LO	Approved LO-CO; 05/20/2003	Approved LO-CO; 07/17/2003
2004-2006 Bert C14-2007-0192	SF-3 to LO	Approved; 10/13/2007	Approved LO-CO; 01/10/2008
South/West of Manchaca Road (north to south)			
4204 Manchaca C14-72-099	"A" Residence to "LR" Local Retail		Approved 06/08/1972
4204 & 4208 Manchaca C14-06-0115	LR & SF-3 to (LR-MU-CO)	Approved LR-MU-CO; 06/27/2006	Approved LR-MU-CO; 09/28/2006
4300 Manchaca & 2001-2005 Fort View C14-74-122	"C" 6 th H&A to C-1 6 th H&A		Approved 10/31/1974
4302-4304 Manchaca & 2004-2012 Ivy Trail C14-72-222	"C" 6 th H&A to "C-2" 6 th H&A	Approved, Limited use of C-2 to package store only	Approved as PC Recommended; 11/16/1972
2009-2011 Fort View C14-98-0078	SF-3 to CS	Approved LR-CO; 07/21/1998	Approved NO w/Conditions 1 st

			Reading; Indefinite Postponement on 2 nd /3 rd ; Expired
2028 W Ben White C14-2007-0051	SF-3 to LO-MU	Approved; 06/12/2007	Approved; 07/26/2007
2012 W Ben White C14-2008-0096	SF-3 to LO-MU	Approved; 06/10/2008	Approved; 07/24/2008
2110 W Ben White C14-2008-0185	SF-3 to LO	Approved LO-CO; 06/10/2008	Approved LO-CO; 11/20/2008
East of Manchaca (north to south)			
4103 Manchaca C14-84-356	SF-4 to "O-1"	Approved "O-1" 1 st H&A; 12/04/1984	Approved LO w/RC & Street Deed; 09/19/1985
4025 Manchaca C14-80-221	Interim "A" 1 st H&A to "O-1" 1 st H&A		Approved; 02/26/1981
4023 Manchaca C14-85-009	SF-3 to LO		Approved; 10/02/1985
4015 Manchaca C14-75-049	"A" Residence to "O" Office		Approved; 06/26/1976
4017-4021 Manchaca & 4016-4020 Valley View C14-72-234	"A" 1 st H&A to "O" 1 st H&A	Approved w/conditions	Approved w/conditions 05/31/1973
4007-4011 Manchaca C14-71-252	"A" 1 st H&A to "O" 1 st H&A		Approved 06/01/1972
1900-1904 Fort View C14-70-017	"LR" 1 st H&A to "C" 1 st H&A		Approved; 04/16/1970

CITY COUNCIL DATE: December 6, 2012**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman
e-mail address: lee.heckman@austintexas.gov**PHONE:** 974-7604

STAFF RECOMMENDATION**C14-2012-0117**

To grant Limited Office – Mixed Use (LO-MU) zoning district.

BACKGROUND

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in deriving the staff recommendation.

BASIS FOR RECOMMENDATION

- 1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.***
- 2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***
- 3. Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.***

The existing family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics. Given the size of this tract, (17,267 square feet), it's clear that it could be redeveloped with additional residences, although a variance might be required to accommodate frontage requirements.

The requested Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment. The requested mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff recommends granting the limited office-mixed use (LO-MU) combining district zoning as requested. Staff thinks the zoning principles noted above are related, and individually and collectively look at how a proposed rezoning fits within its context, as that context exists today and how that context is expected to change over time.

Manchaca Road between Lamar Boulevard and Ben White Boulevard is currently a mix of land uses; there are significant commercial nodes at its intersection with Lamar and Ben White. In between these is a mile-long mix of less intense commercial, office, and both multifamily residential and some single-family residences. There is also some form of group residential and a City-owner activity center for senior citizens. Manchaca is classified as a major arterial, but this section is not expected to be widened or see additional travel lanes added as the 2025 Austin Metropolitan Area Transportation Plan envisions for other (southern) sections of Manchaca. Nevertheless, it is expected that the remaining single-

family residences along Manchaca will eventually be replaced with office or commercial uses, or more dense residential.

The subject tract is bordered by family residence-zoned tracts as well as neighborhood commercial-mixed use. Staff thinks office uses are appropriate as a transition between the two, and is compatible with both. Though the subject tract is deep, at approximately 270 feet, the western half of the lot touches four single-family residences, thus triggering significant compatibility requirements if the property is redeveloped and not merely repurposed as an office in an existing residential structure.

Additionally, given the office and commercial nature of the Manchaca corridor, staff does not think granting office zoning sets an undesirable precedent. As noted, the majority of tracts north of this are already zoned office, while everything to the south is zoned commercial. Though most of the office and commercial zoning was established in the seventies and eighties, it is unknown to what extent additional commercial development might be warranted on this arterial. Given this portion of Manchaca is not planned to be improved, and given the subject tract's mid-block location, office zoning appears to be the more appropriate than commercial at this location. Staff thinks office uses are appropriate now and will continue to be so in the future.

EXISTING CONDITIONS

Site Characteristics

The tract consists of an existing single-family house, 1,368 square feet built in 1946 as per the Travis Central Appraisal District, that sits back about 40 feet from Manchaca. Although there are some trees along property lines and in the street yard, it is unknown whether these are protected. The site is flat, and there are no known topographical or environmental constraints to further development or redevelopment.

Impervious Cover

The maximum impervious cover allowed by the Limited Office zoning district would be 70%, and is not further restricted by the watershed class.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

The site is subject to compatibility standards. Along the West and North property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

1. Following existing streets are abutting this parcel:

Name	ROW	Pavement	Classification	Daily Traffic City of Austin traffic counts:
Manchaca RD	83'	43'	Major Arterial	17,575

*ADT Count taken on 10/05/2004

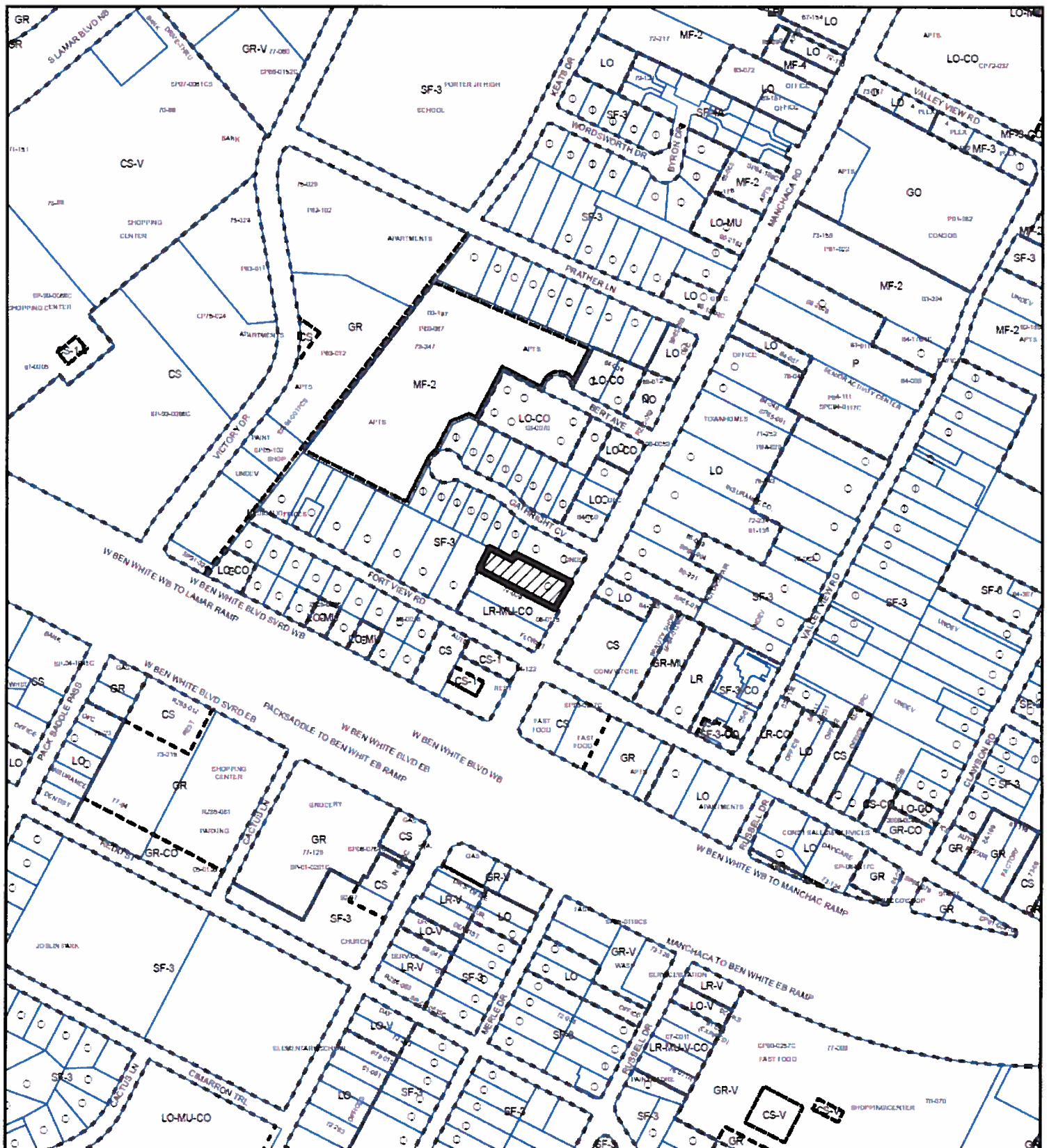
2. No additional ROW is required in accordance with the AMATP for Manchaca RD at this time.
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].
4. There are existing sidewalks along both sides of Manchaca RD.
5. Following table shows 2009 Bicycle Plan recommendations for the boundary street for this parcel:

Street Name	Existing Bicycle Facility	Recommended Bicycle Facility
Manchaca RD	Shared Lane	Bike Lane

6. Following Capital Metro bus service routes are available adjacent to this parcel:

103 –Manchaca Flyer

3 – Burnet / Manchaca






ZONING

ZONING CASE#: C14-2012-0117



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit A

C14-2012-0117 / Harlan Rezoning

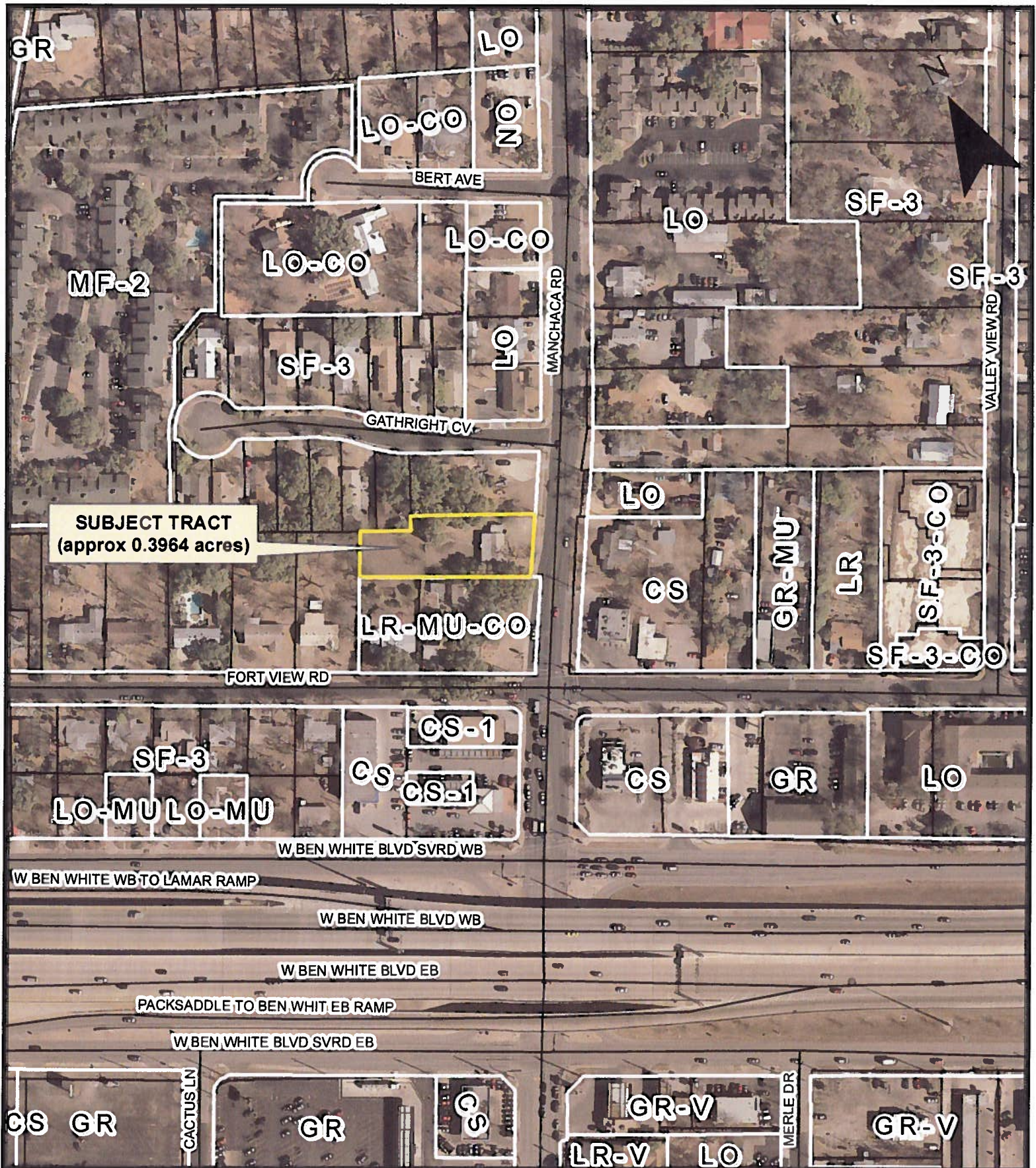


Image Data: 2009

Exhibit A-1
Aerial and Zoning

0 100 200 400
Feet

1 inch = 200 feet

C14-2012-0117 / Harlan Rezoning

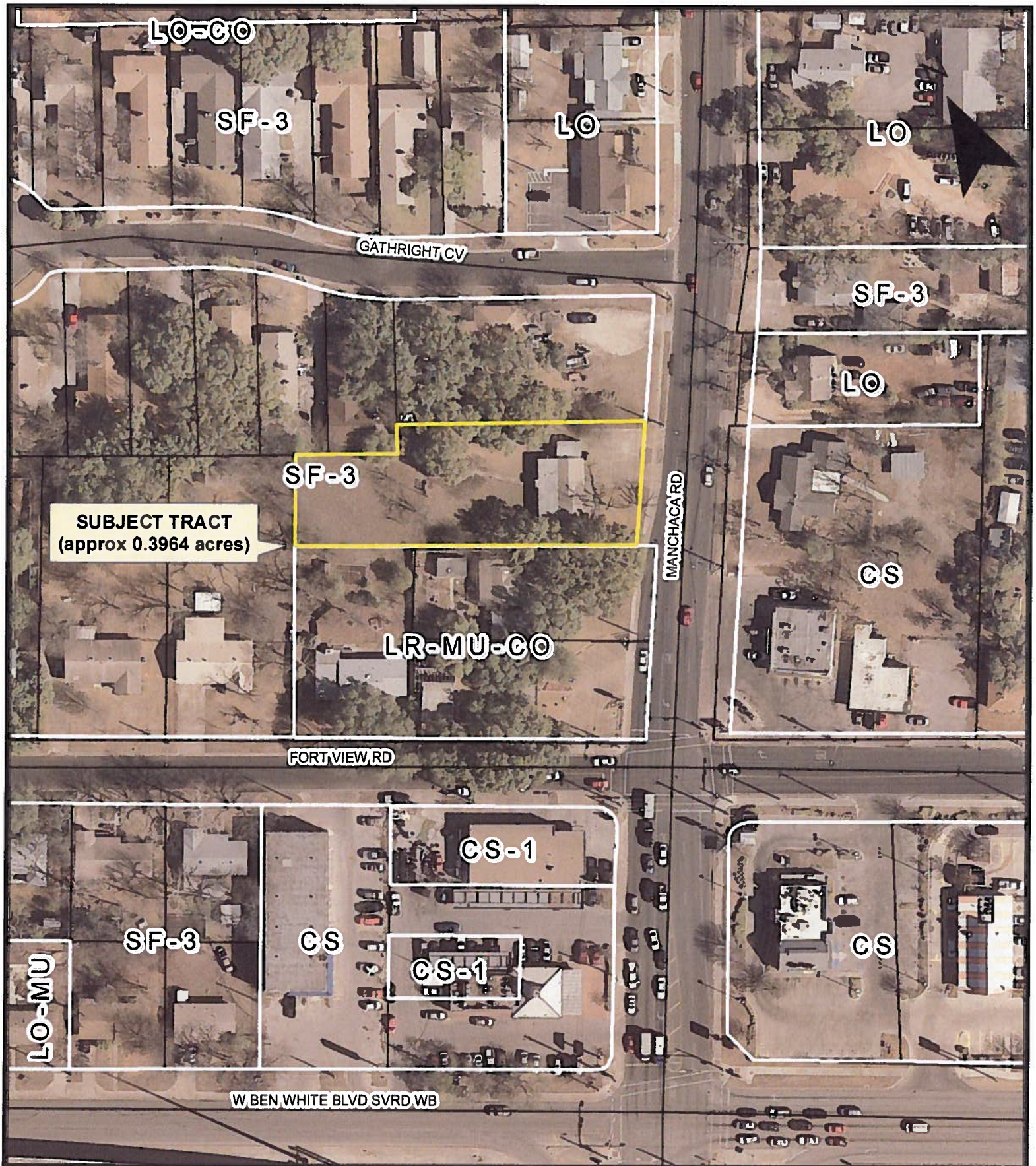


Image Data: 2009

Exhibit A-2
Aerial and Zoning

0 50 100 200
Feet

1 inch = 100 feet

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0117

Contact: Lee Heckman, 512-974-7604

Public Hearing: Nov 13, 2012, Planning Commission

Dec 6, 2012, City Council

James H. Burleson
Your Name (please print)

2010 A GATHRIGHT COVE
Your address(es) affected by this application

James H. Burleson
Signature

11-3-12
Date

4443458 AFTER 1:00 P.M.
Daytime Telephone:

Comments: A. NEW DEVELOPMENT. L. THREATENS TO INCREASE MARKET VALUES AND

PROPERTY TAXES, THUS TO BRING AN INCREASE TO MY RENT, WHICH IS ALL I CAN AFFORD,

AND TO LEAD TO MORE NEW DEVELOPMENTS, WHICH COULD Wipe OUT MY HOME;

2. THREATENS TO WORSE AIR POLLUTION, ALREADY FAR BEYOND ACCEPTABLE, FROM

THAT DEVELOPMENTS NEARBY AND FROM CONSTANT TRAFFIC ON RED WHITE,

3. THREATENS TO INCREASE NOISE LEVELS, ALREADY FAR BEYOND ACCEPTABLE, FROM

TRAFFIC ON RED WHITE, FREQUENT SIRENS, AND HELICOPTERS CIRCLING;

4. THREATENS TO INCREASE TRAFFIC CONGESTION, ALREADY FAR BEYOND

ACCEPTABLE, AND INCREASE RED WHITE, AND LAMAR IS THE ZONING WAS

If you use this form to comment, it may be returned to: DESIGNATED FOR A REASON;

City of Austin IT SHOULD BE LEFT AS IT IS.

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

PLEASE ALLOW US WHAT

PEACE AND QUIET REMAINS

IN OUR HOMES AND ON OUR

STREETS.

JB

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0117

Contact: Lee Heckman, 512-974-7604

Public Hearing: Nov 13, 2012, Planning Commission

Dec 6, 2012, City Council

Your Name (please print)

CURT SUTHERLAND

3104

2502 W BEN WHITE

Your address(es) affected by this application

Curt Sutherland

Signature

Date

Daytime Telephone: 512 422 7300

Comments: MU IS GREAT FOR THIS SMALL

AREA OF AUSTIN. WE NEED

MORE SMALL BUSINESS & LO

IN S. AUSTIN.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

From: Kirk Smith
Sent: Tuesday, November 06, 2012 8:58 AM
To: Alice Glasco
Cc: Marshall Davis; Heckman, Lee
Subject: Re: Rezoning - 4200 Manchaca Road

Alice,

We can't offer you our support without a vote, which we would hold at the meeting on the 26th, following your presentation. Having said that, we wouldn't oppose the rezoning either, without a vote. In this instance I see no reason why the Neighborhood wouldn't be content to let Planning Commission handle the case without any additional involvement from us.

Thanks for reaching out. Please don't hesitate to do so again in the future.

Kind Regards,
Kirk Smith
GENA President

On Nov 5, 2012, at 6:57 PM, Alice Glasco wrote:

Kirk,

Thank you for your response! The case is scheduled to be heard by the Planning Commission on for November 13th. So, if it is technically not in the GENA boundaries, is it okay to proceed with hearing on the 13th or do you prefer that I request a postponement to Nov. 27th so I can attend your meeting of 11/26? I have copied the city's case manager so he can be in the loop.

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email:

From: Kirk Smith
Sent: Monday, November 05, 2012 10:43 AM
To: Alice Glasco
Cc: Marshall Davis
Subject: Re: Rezoning - 4200 Manchaca Road

Hello Alice,

Our next General Meeting is Monday November 26th at 7PM and you are welcome to present then. If you like, I will add you to the agenda from 7:15-7:35. I'm thinking 10 min. to present and 10 for Q&A. Does that make sense to you?

I expect you already know this, but for the record I wanted to mention that property is not in our Neighborhood, strictly speaking.

Our meetings are held at the San Jose Church Community Center (Parish Hall) 2435 Oak Crest Ave, near the intersection of S. 1st and Oltorf.

Kind Regards,
Kirk Smith
GENA President

On Oct 25, 2012, at 5:23 PM, Alice Glasco wrote:

Kirk and Marshall,

I got your names from the City of Austin's Neighborhood registry as the two contact people for the Galindo Elementary Neighborhood Association. You may have received a notice of filing of a rezoning application for property located at 4200 Manchaca Road from SF-3 to LO-MU. It is possible, I would like to attend your next neighborhood meeting to talk about the rezoning request and hopefully get neighborhood support.

Thank you in advance!

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: